

REMARKS

Summary Of Office Action

Claims 1-135 were pending in the above-identified patent application.

The Examiner rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being unpatentable over Brenner et al. U.S. patent 6,004,211 (hereinafter "Brenner") in view of Lappington et al. U.S. patent 5,734,413 (hereinafter "Lappington"). Claims 87-90, 134, and 135 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue U.S. patent 5,999,808 (hereinafter "LaDue").

Summary of Advisory Action

The Examiner did not enter amendments proposed by applicants in a Reply Under 37 C.F.R. § 1.116 to the August 26, 2002 Office action that was filed on October 28, 2002 (hereinafter "the previous Reply").

The Examiner considered the previous Reply and stated that the Reply does not place this application in condition for allowance.

Summary Of Applicants' Reply To Office Action

Applicants have amended the drawings to correct the mistaken labeling of a figure element.* Claims 87, 88, and 134 have been cancelled without prejudice. Claims 1, 44, and 91 have been amended to more particularly define the invention. (These Remarks are followed by an Appendix showing how the drawings and claims 1, 44, and 91 have been amended. This Reply is accompanied by a separate Letter to Official Draftsperson regarding the drawing amendment.) New claims 136-144 have been added.

The Examiner's claim rejections are respectfully traversed.

* Applicants proposed this amendment to the drawings in a Reply to the February 19, 2002 Office action that was filed on May 21, 2002 (hereinafter "the May 21, 2002 Reply"). However, the Letter to Official Draftsperson, as referred to in the May 21, 2002 Reply, was inadvertently omitted from the May 21, 2002 filing. Applicants proposed the same drawing amendment in the previous Reply, and a Letter to Official Draftsperson accompanied the Reply. In the November 27, 2002 Advisory Action, the Examiner does not refer to the proposed drawing amendment (i.e., the Examiner did not select Item 8 regarding "[t]he proposed drawing correction"). Thus, applicants are proposing the same drawing amendment in these Remarks, and a Letter to Official Draftsperson accompanies this Reply.

The Rejection Of Claims 1-86 And 91-133
Over Brenner In View Of Lappington
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lappington. The Examiner's rejection is respectfully traversed.

Applicants' invention, as defined by independent claims 1, 44, and 91 as amended, is directed towards a method, system, and computer readable medium for submitting electronic wagers on races that are to be run to computer equipment over a communications network. At least one wireless portable computing device with a display is in two-way wireless communications with in-home user equipment.

A user at the wireless portable computing device is provided with on-screen options on the display of the wireless portable computing device that allow the user to create a wager. The on-screen options are based, at least in part, on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment. The information is based, at least in part, on racing data received by the in-home user equipment from the communications network.

The user is allowed to wirelessly transmit the wager from the wireless portable computing device to the in-

home user equipment over the wireless communications path when it is desired to submit the wager for processing.

Illustrative on-screen options that may be displayed on the display of the wireless portable computing device are shown in applicants' FIGS. 3-8. The on-screen options allow the user to create a wager for a given race to be run. The on-screen options are displayed, for example, on the display of wireless user device 148, as shown in applicants' FIG. 2. The on-screen options are based, at least in part, on information received over wireless communications path 44r between wireless user device 148 and in-home user equipment 146. The user is allowed to wirelessly transmit the wager from wireless user device 148 to in-home user equipment 146 over wireless communications path 44r.

Thus, wireless user device 148 receives information from in-home user equipment 146 and transmits a wager to in-home user equipment 146 (FIG. 2).

The Examiner contends that claims 1, 44, and 91 are unpatentable over Brenner in view of Lappington. While it is true that the practice of applicants' invention as claimed may implicate Brenner, Brenner does not teach the specific improvements of (a) providing a user at a wireless portable

computing device with on-screen options on the display of the wireless portable computing device, wherein the on-screen options are based at least in part on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment and (b) allowing the user to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing, as specified by applicants' claims 1, 44, and 91 as amended.

The Examiner's reliance on Lappington still fails to teach applicants' specific improvements. As shown in FIG. 1 of Lappington, encoded television signal 22 is sent from satellite receiver 26 to a television viewer at home, where it is received by television set 30 and settop device/converter 28. Settop device 28 strips "interactive data" out of the television signal and sends the interactive data by infrared transmission to handheld 32, which presents an interactive program to the home viewer. The home viewer can participate in the interactive program and, upon completion of an interactive program, the home viewer can register his/her score with operations 34. "The preferred method for registering scores [with operations 34] includes

handheld 32 transmitting, via infrared communication, the registration information to dialer 33. After receiving the registration information, dialer 33, which includes a modem, sends the information to operations 34" (column 9, lines 14-18).

Thus, in stark contrast to applicants' invention, handheld 32 receives interactive data from settop device 28 and transmits registration information to dialer 33, not to settop device 28 (FIG. 1).

In the November 27, 2002 Advisory Action, the Examiner contends that "[one-way and two-way] communication methods do not differ and would otherwise be held as well known variations on remote communication between equipment" (Continuation Sheet, lines 3 and 4). However, whether one-way and two-way communications are "well known variations on remote communication between equipment" is not relevant to whether applicants' claims 1, 44, and 91 as amended are allowable over Brenner in view of Lappington. Rather, the nature of the communications between applicants' wireless portable computing device and in-home user equipment, and between Lappington's handheld 32, settop device 28, and dialer 33, is relevant to determining whether applicants' claims 1, 44, and 91 as amended are allowable over Brenner in

view of Lappington. Specifically, applicants' wireless portable computing device (a) receives information from in-home user equipment and (b) transmits a wager to the in-home user equipment. In stark contrast, Lappington's handheld 32 (a) receives interactive data from settop device 28 and (b) transmits registration information to dialer 33, not to settop device 28. In addition, dialer 33 is in no way similar to applicants' in-home user equipment, at least because dialer 33 does not receive "racing data" as defined by applicants' claims 1, 44, and 91 as amended.

In the August 26, 2002 Office action, the Examiner contends that Brenner teaches "that any suitable wireless user interface can be used" with the invention of Brenner (page 3, lines 1 and 2). Applicants agree with the Examiner's contention. However, the mere combination of Brenner with handheld 32 of Lappington does not show or suggest all the features of applicants' invention as defined by claims 1, 44, and 91 as amended. By combining Brenner with handheld 32 of Lappington, a user could, at best, interact with the menus on display 126 of Brenner using handheld 32 of Lappington. The Examiner has failed to provide any reason why, based on the teachings of Brenner, the combination of Brenner and handheld 32 of Lappington

would yield any other result. Even if the combination were to show or suggest all the features of applicants' invention as defined by claims 1, 44, and 91, which applicants submit it does not, the Examiner has failed to provide the requisite motivation to combine Brenner with Lappington.

The Examiner contends the following:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brenner et al. to use the wireless handheld taught by Lapp for the purposes as taught above in addition to reasons taught by Lapp such as view multiple concurrent events without losing scores. This would also allow one to place multiple concurrent bets on different races, releasing the constraints of betting only on a single game at any one time.

(Office Action, page 3, lines 11-16) (emphasis added)

Applicants respectfully disagree. In Lappington, a viewer can participate in interactive programs on handheld 32 in connection with various television programs on television set 30. These television programs are also referred to in Lappington as "events." In Lappington, more than one television program, or event, may be broadcast at a time, and the viewer can participate in an interactive program in connection with any of the events. The user can also "surf" between channels: "[w]hen the viewer tunes the channel, the viewer should almost immediately be able to participate in the interactive program either if the viewer is for the first

time watching that program or the viewer is returning after watching some other program for a brief or extended period" (column 2, lines 34-39). Thus, while the television programs, or events, may be concurrent, the viewer can only participate in an interactive program for the event that is currently displayed on television set 30. More specifically, the viewer can only respond to one interactive program element, for example, a question (e.g., yes/no, true/false, multiple choice, etc.), at any one time.

Therefore, while in Lappington there are concurrent events, a user can only respond to one question at any one time. Thus, Lappington fails to show or suggest "releasing the constraints of betting only on a single game at any one time" as the Examiner contends. Accordingly, the Examiner has failed to provide the requisite motivation to combine Brenner with Lappington.

Thus, for at least these reasons, claims 1, 44, and 91 as amended are allowable over Brenner in view of Lappington. Therefore, applicants request that the rejection of claims 1, 44, and 91 based on Brenner and Lappington be withdrawn.

The Examiner also relied upon a personal digital assistant ("PDA") in the rejection of claims 1, 44, and 91.

The Examiner provided a reference, "Products of the Year 1998" (hereinafter "Products"), in support of his contention. As discussed in Products, a Palm™ device can function as a "highly programmable remote control" by installing OmniRemote™ software. In contrast to applicants' invention, use of the Palm™ device as a remote control does not involve "two-way wireless communications," as defined by applicants' claims 1, 44, and 91 as amended. Rather, the Palm™ device is configured for use as a remote control by installing the OmniRemote™ software prior to its use, and thereafter the Palm™ device is used only to transmit infrared signals to a device such as a set-top box. Thus, the Examiner's reliance on the Palm™ device discussed in Products still fails to teach applicants' improvements over Brenner.

The Examiner also relied upon Lappington et al. U.S. patent 5,343,239 (hereinafter "the '239 patent") in the rejection of claims 1, 44, and 91. Lappington is a continuation-in-part of the '239 patent, and a substantial portion of the disclosure included in the '239 patent is also included in Lappington. Thus, with regard to the disclosure that is common to both Lappington and the '239 patent, it follows that the '239 patent fails to teach applicants' improvements over Brenner for the same reasons that

Lappington fails to teach applicants' improvements over Brenner. A portion of the disclosure included in the '239 patent is not included in Lappington. However, the additional disclosure in the '239 patent still fails teach applicants' improvements over Brenner.

In addition, claims 2-43, 45-86, and 92-133 are allowable at least because independent claim 1, from which claims 2-43 depend, independent claim 44, from which claims 45-86 depend, and independent claim 91, from which claims 92-133 depend, are allowable. Accordingly, applicants request that the rejection of claims 2-43, 45-86, and 92-133 be withdrawn.

The Rejection Of Claims 87, 88, And 134
Over Brenner In View Of LaDue
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 87, 88, and 134 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue. Claims 87, 88, and 134 have been cancelled without prejudice. Accordingly, applicants request that the rejection of claims 87, 88, and 134 be withdrawn.

The Rejection Of Claims 89, 90, And 135
Over Brenner In View Of LaDue
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 89, 90, and 135 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue. The Examiner's rejection is respectfully traversed.

Applicants' invention, as defined by claims 89, 90, and 135, is directed towards a method, system, and computer readable medium for wirelessly submitting electronic wagers to computer equipment. The user is allowed to create a wager with wireless user equipment and is allowed to transmit that wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment. The wager is received at the computer equipment for processing from communications equipment at the racetrack over the communications network.

The wireless communication between the wireless user equipment and the communications equipment at the racetrack is shown in FIG. 2 as occurring over communications path 44s. The user transmits a wager from wireless user equipment 144 to communications equipment 141 at track 143 over communications path 44s.

After the wager has been transmitted from the wireless user equipment to the communications equipment at the racetrack, the wager may be processed either locally (i.e., at the racetrack) or remotely (i.e., at some location other than the racetrack). As defined by dependent claims 137, 139, and 141, the wager is processed locally. In other words, the computer equipment that receives the wager for processing is part of a local network at the racetrack (see, for example, page 29, lines 19-22). As defined by dependent claims 136, 138, and 140, the wager is processed remotely. In other words, the computer equipment that receives the wager for processing is located at a transaction processing and subscription management system (see, for example, page 29, lines 22-30). As shown in applicants' FIG. 2, for example, computer equipment 26 at transaction processing and subscription management system 24 receives the wager from communications equipment 141 at track 143 over communications network 140 for processing.

LaDue refers to a method for transmitting messages over cellular radio system control channels and switches.

The Examiner contends that the combination of Brenner and LaDue would result in applicants' invention as defined by claims 89, 90, and 135. Contrary to the

Examiner's contention, however, the combination of Brenner and LaDue fails to teach applicants' improvement of allowing a user to transmit a wager from wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment, as defined by applicants' claims 89, 90, and 135.

The Examiner contends that the inclusion of communications equipment at a racetrack that communicates wirelessly with wireless user equipment is obvious:

"[w]ireless wagering would require that both client and server side have access to the wireless network, therefore it would be obvious to have the server side, racetrack communication equipment, with wireless equipment" (Office Action, page 7, lines 17-19). However, the Examiner contradicts this contention with his motivation to combine Brenner and LaDue.

The Examiner contends that the motivation to combine Brenner and LaDue is based on the teaching of LaDue: "[t]he ability to use an existing infrastructure would monumentally decrease operating costs, as no 'network build-out' would be needed" (Office Action, page 7, lines 11-13).

Thus, the Examiner contends that LaDue teaches away from adding additional equipment to the "existing [cellular]

infrastructure." However, the Examiner's contention that it is obvious to include "communications equipment at a racetrack," as defined by applicants' claims 89, 90, and 135, is in direct conflict with his motivation, as the inclusion of communications equipment at a racetrack is the very "network build-out" that LaDue teaches away from. The Examiner's motivation to combine Brenner and LaDue is therefore unconvincing in view of his contention regarding the inclusion of "communications equipment at a racetrack."

Thus, for at least these reasons, claims 89, 90, and 135 as amended are allowable over Brenner and LaDue. Accordingly, applicants request that the rejection of claims 89, 90, and 135 based on Brenner and LaDue be withdrawn.

New Claims 142-144

Applicants have added new independent claims 142-144. Applicants respectfully submit that new independent claims 142-144 are fully supported and justified by the original specification and add no new matter.

Applicants' invention, as defined by independent claims 142-144, is directed towards a method, system, and computer readable medium for submitting electronic wagers on races that are to be run to computer equipment over a

communications network. At least one wireless portable computing device with a display is in wireless communication with a television set-top box.

A user at the wireless portable computing device is provided with on-screen options on the display of the wireless portable computing device that allow the user to create a wager. The on-screen options are based, at least in part, on information transmitted wirelessly from the television set-top box to the wireless portable computing device. The information is based, at least in part, on racing data received by the in-home user equipment from the communications network.

The user is allowed to wirelessly transmit the wager from the wireless portable computing device to the television set-top box when it is desired to submit the wager for processing.

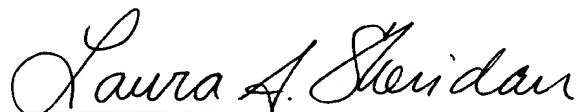
None of the references on record show or suggest all the claimed features of applicants' invention defined in new independent claims 142-144. More specifically, none of the references on record show or suggest (a) providing a user at a wireless user device with on-screen options on the display of the wireless user device, wherein the on-screen options are based at least in part on information transmitted

wirelessly from a television set-top box to the wireless user device and (b) allowing the user to wirelessly transmit the wager from the wireless user device to the television set-top box when it is desired to submit the wager for processing, as specified by applicants' claims 142-144. Therefore, new independent claims 142-144 are allowable.

Conclusion

The foregoing demonstrates that claims 1-86, 89-133, and 135-144 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura A. Sheridan". The signature is written in dark ink and is positioned above a horizontal line.

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PROBET EASYBET HANDICAP TRACK INFO PLAYER INFO SETUP HELP

TRACK → RACE → TYPE → HORSE(S) → AMOUNT → BETQ

88 POST: 18:31 ET
MINUTES TO POST: 32

82

4 RACE HORSE ▷

CHOOSE YOUR WAGER

78 80

WIN PLACE SHOW WIN/PLACE/SHOW WIN/PLACE WIN/SHOW

80

TRIFECTA TRIFECTA BOX TRIFECTA WHEEL

EXACTA EXACTA BOX EXACTA WHEEL

84

48

86

RACE TICKET	
TRACK	RACE
DDX	7
TYPE AMOUNT	
WIN	
HORSE(S)	
TOTAL COST	

FIG. 5